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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL KANE JR., CHARLES MACHADIO,
ROGER MARINO, MYRA GORDON, ANDREW ROY
and VINCENT PACIFICO as TRUSTEES
OF THE UNITED TEAMSTER PENSION FUND “A,”

Case No.: 19-cv-00288

Plaintiffs,

JUDGMENT

- VS -

ENDICOTT MEATS, INC., ENDICOTT REALTY,
INC., ENDICOTT VOLUNTEER MEATS, INC. and
DAVID MOSNER, INC. d/b/a MOSNER FAMILY
BRANDS,

Defendants.

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This action, having been commenced on January 10, 2019 by Plaintiffs Daniel Kane Jr., Charles Machadio, Roger Marino, Myra Gordon, Andrew Roy and Vincent Pacifico, as Trustees of the United Teamster Pension Fund “A” (collectively, “Plaintiffs”) against Defendants Endicott Meats, Inc. (“Endicott Meats”), Endicott Realty, Inc. (“Endicott Realty”), Endicott Volunteer Meats, Inc. (“Endicott Volunteer”) and David Mosner, Inc. d/b/a Mosner Family Brands (“Mosner”) (collectively, “Defendants”); and Defendants having answered and the parties having proceeded to discovery; and Endicott Meats and Endicott Realty having filed for jointly administered Chapter 11 Bankruptcy protection, triggering an automatic stay as to both Endicott Meats and Endicott Realty; and Plaintiffs having settled with Mosner and voluntarily dismissing this action solely as to Mosner; and Plaintiffs having filed a motion for summary judgment against Endicott Volunteer on July 2, 2020; and Endicott Volunteer having not opposed Plaintiffs’ summary judgment motion; and Magistrate Judge Sarah Netburn having issued a Report and Recommendation on December 29, 2020 recommending that the Court grant

Plaintiffs' motion for summary judgment and finding that Endicott Volunteer is jointly and severally liable for Endicott Meats' total withdrawal liability in the amount of \$344,148 , it is,

ORDERED, ADJUDGED AND DECREED, that Plaintiffs' motion for summary judgment (ECF No. 44) is GRANTED and judgment is entered against Endicott Volunteer in the amount of \$344,148.00; and it is further,

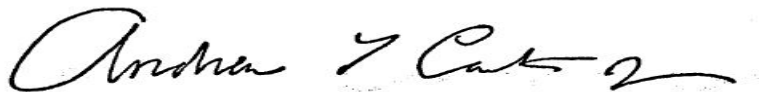
ORDERED, ADJUDGED AND DECREED, that Endicott Volunteer shall pay three (3%) percent simple interest on the full amount of withdrawal liability, accruing from June 10, 2018, to the date of judgment, which the Clerk of Court shall calculate once Judgment is entered; and it is further,

ORDERED, ADJUDGED AND DECREED, that Endicott Volunteer shall pay liquidated damages at a rate of twenty (20%) percent of the unpaid withdrawal liability, totaling \$68,829.00; **ORDERED, ADJUDGED AND DECREED**, that Endicott Volunteer shall be liable for Plaintiffs' counsel's reasonable attorneys' fees and costs in pursuing this action; and it is further,

ORDERED, ADJUDGED AND DECREED, that Plaintiffs are to file a motion for their attorneys' fees and costs pursuant to Fed. R. Civ. Pro. 54(d)(2) within thirty (30) days from the date of entry of this Judgment.

IT IS SO ORDERED.

Dated: New York, New York
January 21, 2021



ANDREW L. CARTER, JR.
United States District Judge

Interest calculated by the
Clerk on January 21, 2021 in
the amount of \$27,041.55 as
Ordered above.